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STATE OF WASHINGTON  
GAMBLING COMMISSION  
COMM & LEGAL DIVISION

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GAMBLING COMMISSION  
COMM & LEGAL DIVISION

In the Matter of the Revocation of the Certification )  
to Conduct Gambling Activities of: ) NO. CR 2009-00007  
)  
James Hooper, ) **SETTLEMENT ORDER**  
Wapato, Washington, )  
)  
Class III Employee. )  
\_\_\_\_\_ )

This Settlement Order is entered into between the Washington State Gambling Commission and the licensee, James Hooper. H. Bruce Marvin, Assistant Attorney General, and Brenda Bono, Staff Attorney represents the Gambling Commission. Mr. Hooper represents himself.

I.

The Washington State Gambling Commission issued James Hooper the following Class III Employee certification:<sup>1</sup>

- 69-27051, Authorizing Class III Employee Activity, formerly for the Yakama Nation.

The certification expired on March 2, 2009, and was issued subject to the certified employee's compliance with state gambling laws, rules, and the Yakama Nation Tribal-State Compact.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230, and the Yakama Nation Tribal-State Compact.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the Class III employee, on February 27, 2009. The Class III employee received the Notice, and on March 20, 2009, Commission staff received Mr. Hooper's request for a hearing.

III.

The following summary of facts and violations were alleged in the Notice of Administrative Charges:

In May 2008, Mr. Hooper was granted a conditional certification due to his criminal history, which included two Felony Vehicular Assault convictions. The conditional

<sup>1</sup> Class III Employee certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

certification listed terms that the certified employee must follow in order to maintain the conditional certification. If the terms were not met, then the conditional certification would be terminated. In June 2008, the licensee was charged Felony DUI and in August 2008, an additional charge of Reckless Endangerment was added. In August 2008, the certified employee was convicted of Felony DUI and Reckless Endangerment. Mr. Hooper did not notify Commission staff of his charges or conviction.

Mr. Hooper has failed to provide staff with any supplemental materials since the conviction, which show that he is qualified for licensure. Therefore, the certified employee violated Yakama Nation Tribal/State Compact Section V(C)(1), (2), and (3), RCW 9.46.075, RCW 9.46.153, and WAC 230-03-085, and grounds exist to revoke his license.

**Yakama Nation Tribal/State Compact Section V(C)(1), (2), and (3)** provides that the State Gaming Agency<sup>2</sup> may revoke or suspend a State certification under the provisions of RCW 9.46.075, and rules promulgated there under, or for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when a holder of certification:

- (1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming activities or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.
- (2) Has failed to provide any information reasonably required to investigate the application for state certification or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application.
- (3) Has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including offenses that could subject the individual to revocation of a gaming license.

For the purpose of reviewing any application for a state certification and for considering the revocation of any state certification the state gaming agency may consider any prior criminal conduct of the holder of certification

**RCW 9.46.075 Denial, suspension, or revocation of license, permit.**

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

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<sup>2</sup> Washington State Gambling Commission, as referred to in the Yakama Tribal/State Compact, Section II (V).

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the Commission.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

**RCW 9.46.153 Applicants and licensees- Responsibilities and duties-Waiver of liability - Investigation statement as privileged.**

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

(3) All licensees, and persons having any interest in licensees, including but not limited to employees and agents of licensees, and other persons required to be qualified under this chapter or rules of the Commission shall have a duty to inform the Commission or its staff of any action or omission which they believe would constitute a violation of this chapter or rules adopted pursuant thereto. No person who so informs the Commission or the staff shall be discriminated against by an applicant or licensee because of the supplying of such information.

**WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.**

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

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IV.

Mr. Hooper requested a hearing in this matter, but has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

- 1) James Hooper shall surrender his Class III certification. **The signed Settlement Order and Mr. Hooper's certification license must be received by Commission staff on or before May 13, 2009**, and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission  
Attention: Communications and Legal Division  
P.O. Box 42400  
Olympia, WA 98504-2400

**Or delivered** (in person or via private courier) to the following address:

Washington State Gambling Commission  
4565 7<sup>th</sup> Avenue SE; Fourth Floor  
Attention: Communications and Legal Division Lacey, WA 98503

- 2) In the event Mr. Hooper applies for a certification or gambling license, he will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Furthermore, no promises or assurances have been made to Mr. Hooper that he will receive a certification or license from the Commission should he apply.

Mr. Hooper shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent Mr. Hooper from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

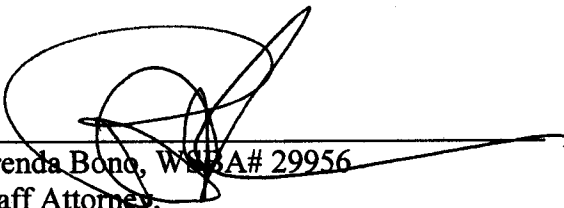
DATED this 14<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
Administrative Law Judge

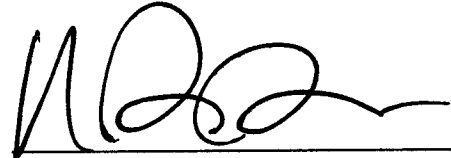
By his signature, the Class III employee  
Understands and accepts the terms  
And conditions of this Order

APPROVED FOR ENTRY:

 5-4-09  
James Hooper Date

  
Brenda Bond, WSBA# 29956  
Staff Attorney,  
Washington State Gambling Commission

APPROVED AS TO FORM:

  
H. Bruce Marvin, WSBA# 25152  
Assistant Attorney General,  
Representing the Washington State  
Gambling Commission